

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**HEATHER PURSER,** )  
 )  
 ) **Plaintiff,** )  
 )  
**v.** )  
 )  
 ) **UNITED STATES OF AMERICA,** )  
 ) **as agent of Haskell Indian Nations University,**)  
 )  
 ) **Defendant.** )  
\_\_\_\_\_ )

**No. 06-2133-CM**

**ORDER**

This case is before the court on defendant's Motion to Dismiss Haskell Indian Nations University and Motion to Amend Caption (Doc. 11). The only proper defendant in a Federal Tort Claims Act case is the United States, not its agencies or employees. *Denny v. United States Postal Serv.*, 916 F. Supp. 1081, 1083 (D. Kan. 1996). Plaintiff concedes that Haskell Indian Nations University is not a proper party to this action. The court therefore grants defendant's motion for the reasons stated in its motion. Haskell Indian Nations University is dismissed from the case, and the case caption will be amended to reflect the dismissal.

**IT IS THEREFORE ORDERED** that defendant's Motion to Dismiss Haskell Indian Nations University and Motion to Amend Caption (Doc. 11) is granted.

Dated this 14th day of November 2006, at Kansas City, Kansas.

s/ Carlos Murguia  
**CARLOS MURGUIA**  
**United States District Judge**